

## Talking Points for Oregon CZARA Settlement Agreement

Under the terms of a 2010 settlement agreement with Northwest Environmental Advocates (NWEA), EPA and NOAA must jointly announce their intent to either approve or disapprove Oregon's Coastal Nonpoint Pollution Control Program (CNPCP) developed under CZARA by Nov. 15, 2013, and must implement their final decision by May 15, 2014. A series of internal deadlines within Oregon DEQ needed to justify a federal decision to approve has not been met and is way off track. Alternative plans needed to justify a federal approval are being debated but have their own challenges. A federal decision to disapprove requires withholding of significant CWA section 319 funds, **Ex. 5 - Deliberative**

**Ex. 5 - Deliberative** Renegotiation of the settlement agreement timeline with NWEA is a possibility, especially since a foundational condition on which the settlement is based—completion of Oregon's Implementation-Ready Mid-Coast Basin TMDL for temperature—remains caught up in additional litigation with NWEA. **Ex. 5 - Deliberative**

**Ex. 5 - Deliberative** **Ex. 5 - Deliberative** Upper management from EPA Region 10 and NOAA are preparing for a critical meeting/conference call with Oregon's Governor's Office on May 1 to discuss options for a path for approval of Oregon's CNPCP and avoidance of NOAA and EPA funding penalties.